

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, APRIL 20, 2006, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Tony Irvine, City Surveyor, Acting Chairman
Kathy Connor, Parks and Recreation Supervisor
Tom Terrell, Public Works Maintenance Manager
James Cromar, Planner III
Robert Dunckel, Assistant City Attorney III
Julie Leonard, Assistant Utilities Services Director

Staff Present:

Victor Volpi, Senior Real Estate Officer
Eileen Furedi, Clerk II, Real Estate Department
Diana Alarcon, Assistant Parking Services Manager
Ed Udvardy, Assistant Public Works Director
Jeri Pryor, Neighborhood Services Program Coordinator
Bob LaMattina, Economic Development Department
Barbara Howell, Contracts and Special Projects Administrator
Hal Barnes, Engineering Design Manager
Earl Prizlee, Project Manager

Guests Present:

Chad Brintnall
Tim Silhivone
Jim Klecker
John Schlegel
Bryan Phegley
Paula Degarmo
Ron Mastriana
Joe Holland
Steve Goldstrom
Joe Darnaby

Tony Irvine called the meeting at 10:10 a.m. and stated that this is a monthly meeting of the Property and Right-of-Way (PROW) Committee with the responsibility of advising the City Commission on matters connected with City property. Tony Irvine said he would be the temporary chairman for today's meeting.

ITEM ONE: APPROVAL OF MARCH 16, 2006 MINUTES

**MOTION BY TOM TERRELL TO APPROVE MINUTES. SECONDED BY JAMES CROMAR.
MOTION PASSED UNANIMOUSLY.**

ITEM TWO: **VACATION OF RIGHT-OF-WAY**

Address or General Location: NE 18 Street, which dead ends into the Florida East Coast Railway, west of NE 15 Avenue

Victor Volpi introduced item stating that Old Florida Corp., would like your positive recommendation to vacate a portion of NE 18 Street, which now dead ends into the Florida East Coast Railway, west of NE 15 Avenue. He said at one time Old Florida Corp., asked to vacate the entire road, but the townhouse development to the north could not give their 100% approval. Victor Volpi said even so Old Florida Corp., would still like your positive recommendation to vacate the entire street or they are willing to give the City whatever easements are necessary and/or right-of-way for turn around room and utilities. He said the only utilities in the requested vacation are for Old Florida Corp., property. Victor Volpi introduced Bryan Phegley.

Mr. Phegley said traffic is misdirected because of a roundabout at the location; Old Florida Corp., would like to privatize the proposed area and install gates. Mr. Phegley said the original proposal went before the DRC, and they had recommended a 100% approval from the townhouse development. Mr. Phegley said the development does not have a vested interest, therefore they are not in support of any changes.

James Cromar said the Planning and Zoning Department (P & Z) are not in support of vacating rights-of-way, vacating the right-of-way completely would create a large parcel that could be redeveloped, one of the hopes of maintaining rights-of-way is that the City encourages a finer grain of development, so if the street continues to be in there, any redevelopment would be small projects as opposed to one giant project, and if the City would have the right-of-way,

Discussion followed as to the length of the vacation that the applicant requests verses the length that the City would be willing to support, and the applicant's plans to landscape and put in a swale.

Bob Dunckel asked if there were utilities in the 18th Street corridor. Mr. Phegley said there was a water-sewer at the location. Bob Dunckel asked if the 60-foot corridor was vacated, what kind of problems would be created via the FEC and their ability to access. Mr. Phegley pointed out that one block to the south there is a crossover. James Cromar said there are buildings and private property, so there would not be a problem.

Julie Leonard arrived at the meeting 10:25 a.m.

Tony Irvine said he would only support a 20-foot vacation, and they would have to allow for a turnaround. James Cromar said the City would have to make sure that the 40-foot right-of-way accommodated the traffic.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF VACATION OF THE NORTH 20- FEET OF THE 60-FOOT PORTION OF THE RIGHT OF WAY, WITH SETTING ASIDE GEOMETRICS FOR A "T" TURNAROUND, AND RELOCATION OF ANY UTILITIES THAT MIGHT BE NEEDED.

SECONDED BY TOM TERRELL.

Discussion followed as to a cul-de-sac unifying two properties, and P & Z not supporting right-of-way vacations without a compelling reason.

Mr. Phegley said there is a drainage issue, the road has been there 40 years, the City has still not repaired it, and there is no trash pick up.

James Cromar explained that the ultimate decision lies with the City Commission. Tony Irvine explained that the PROW is an Advisory Committee that gives staff and professional input and makes recommendations, but the City Commission disposes all City property.

Discussion followed as to the location of the meters, the fire hydrant, water main valve, water sewers, and the relocation of any utilities that may be needed.

James Comar asked for clarification as to the January 20, 2003 recommendation from the PROW Committee. Tony Irvine read the motion and stated that there were definite conditions tied into that motion. Tony Irvine added that P & Z has changed Directors and the Department abides by different policies.

MOTION AMENDED BY BOB DUNCKEL TO INCLUDE THE RETENTION OF ANY UTILITY EASEMENTS THAT THE CITY HAS, IF ANY.

Discussion followed as to the north 20-feet and that there are Florida Power and Light (FPL) equipment at the location.

SECONDED BY TOM TERRELL.

Tony Irvine said the motion would cover any franchise utilities at the location, but believes that the City did not have utilities in the north 20-feet. Tom Terrell stated that the City should retain a utility easement regardless.

MOTION BY BOB DUNCKEL FOR TOM TERRELL TO WITHDRAW HIS SECOND TO THE AMENDED MOTION, SO THAT BOB DUNCKEL COULD REAMEND HIS AMENDED MOTION TO STRIKE THE WORDS, "IF ANY" AND STATED THAT THE CITY WOULD RETAIN A UTILITY EASEMENT OVER THE NORTH 20-FEET.

Tony Irvine asked the Committee to vote on the **REAMENDMENT TO THE MOTION**. Julie Leonard asked what the motion was.

REAMENDED MOTION RESTATED BY BOB DUNCKEL THAT THE CITY WOULD RETAIN A UTILITY EASEMENT OVER THE NORTH 20-FEET.

MOTION PASSED UNANIMOUSLY.

Victor Volpi said he received an e-mail from Lieutenant Jeff Lucas with the Fort Lauderdale Fire Department, who indicated that they would require Fire Department access to the residents (20-foot wide road with a 50-foot outside turning radius) if it were to become private. Tom Terrell said that would require a cul-de-sac.

Tony Irvine asked the Committee to vote on the **MAIN MOTION**.

MOTION PASSED UNANIMOUSLY.

ITEM THREE: **TEMPORARY CLOSURE OF RIGHT-OF-WAY**

Address or General Location: 551 N Federal Highway

Victor Volpi introduced item stating that The SB Hotel Associates, LLC would like your positive recommendation to:

- Close the sidewalks along Terramar Street, and the north sidewalks and parking lane along Windamar Street, until April 2008.
- Close the north bound lane on Breakers Avenue along with parking spaces for construction of the project.
- Intermittently close lanes along Terramar Street and Windamar Street.

Victor Volpi introduced Ron Mastriana and John Schlegel with Mastriana and Christiansen. Mr. Mastriana explained the MOT Plan for the Trump International Hotel and Tower, which has been under construction for approximately 6 months. Mr. Mastriana discussed the details as to sidewalk, lane closures and covered walkways. Bob Dunckel asked about the duration of lane closures on Breakers Avenue and the loss of parking spaces in the vicinity. Mr. Mastriana said the duration would be approximately 16-18 months and they would compensate the City for the loss of parking spaces. Kathy Connor asked about a pedestrian study. Mr. Schlegel said there had been a pedestrian study and a signage study. Kathy Connor asked about the landscaping and irrigation systems. Mr. Schlegel said they plan to address that, as well.

Discussion followed as to pedestrian signage, intermittent lane closures, applicant giving one-week notice as to duration and time frame factor of the lane closures, and the PROW declining the lane closures for other projects, due to the impact it would have on the beach and the property owners.

Kathy Connor said the loss of parking would have a negative affect on all the businesses in the area. Mr. Mastriana said they would be willing to work with City staff to review a Master Plan of projects that are currently coming in, to allow for coordination of all lane closures in the area. Tony Irvine said the applicant should meet with Tim Welch, in Engineering Division and currently the City did not have a Master Plan.

Discussion followed as to applicant maintaining the roadway light by temporarily running conduit underground.

James Cromar suggested that the applicant review active building permits at Building Services in order to get the holistic view of the area. Bob Dunckel said he did not feel that viewing active building permits would be a sufficient indicator of a holistic or global view, and suggested going back to the Planning Division to see what other projects have already been approved. Tony Irvine said the applicant should show the Committee how their project is going to impact or be impacted by the other projects that are currently active.

Discussion followed as to the areas that would be affected by their project, the Revocable License indicating that staging material must be stored on private property, lane closures, and installation of removable fences to allow emergency vehicles to enter the area.

Diana Alarcon, Assistant Parking Services Manager said the applicant should allow for public parking, the Breakers Avenue closure has become a major thoroughfare for the residents on the beach and the north side of Windamar Street, because previous projects have requested closures on the opposite side. Diana Alarcon stated that due to numerous complaints about parking, the hours of meter enforcement have been changed from 9 p.m. to 24 hours.

Discussion followed as parking on the entire street and after work hours to meet the needs of the merchants.

Ron Mastriana stated that it would not be safe for pedestrians, as strong wind and thunderstorms could force debris off the building. Joe Darnaby with Stiles and Company asked if a parking meter rental study has been preformed. Diana Alarcon said she would provide the requested report.

Discussion followed as to sidewalk closures, what areas would be available for pedestrian use, and appropriate signage redirecting pedestrians.

Tony Irvine summarized the discussion stating that there would be covered sidewalks on A1A, closures of sidewalks on Windamar Street, Terramar Street, and stated that lane and parking closures on Breakers Avenue would not take place, at this time.

Discussion followed as to barricaded covered walkways on A1A, and why it was not required in other areas.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF A REVOCABLE LICENSE THAT WOULD ALLOW FOR INSTALLATION OF COVERING OF THE SIDEWALK ON A1A THAT WOULD CALL FOR THE ENCLOSURE OF THE SIDEWALKS ABUTTING THE CONSTRUCTION SITE ON TERRAMAR STREET AND WINDAMAR STREET, WITH REDIRECTION OF THE PEDESTRIAN TRAFFIC TO THE OPPOSITE SIDES OF THE STREET, AND AT WINDAMAR STREET THERE WOULD BE UNDERGROUNDING OF UTILITIES FOR THE LIGHT POSTS, AND THE REVOCABLE LICENSE SHOULD ALSO INCLUDE THE ENCLOSURE OF THE PARKING AREAS ON THE NORTH SIDE OF WINDAMAR STREET ALLOWING FOR A REOPENING OF THE PARKING AREAS ON THE EAST HALF OF WINDAMAR STREET DURING NON-CONSTRUCTION HOURS STARTING AT 7 P.M. UNTIL 6 A.M., AND THAT THIS REVOCABLE LICENSE NOT AUTHORIZE ANY TRAFFIC LANE CLOSURES UNTIL THE CITY HAS SOME HOLISTIC OR GLOBAL, AT WHICH TIME APPLICANT SHOULD COME BACK TO THE PROW COMMITTEE TO SEE IF THOSE CLOSURES FIT WITH OTHER PROJECTS.

Discussion followed as to going underground on A1A, but not on Windamar Street.

MOTION AMENDED BY BOB DUNCKEL TO SUBSTITUTE A1A FOR WINDAMAR STREET ON UNDERGROUNDING OF UTILITIES.

SECONDED BY TOM TERRELL.

Tom Terrell asked if the street lighting on Terramar Street would be removed. Mr. Darnaby said he does not think it would be.

MOTION PASSED UNANIMOUSLY

ITEM SEVEN: **VACATION OF EASEMENT**

Address or General Location: the west property line of 2760 NE 14 Street, from NE 14 Street south to the new outfall at Seminole Lake

Victor Volpi introduced item stating that Sherborn Development, LLC would like a positive recommendation to vacate an existing 8-foot drainage easement and relocate the drainage system along the west property line of their 5-story residential tower development. He said their proposed easement would be 9-10 feet in width and approximately 125-feet in length from NE 14 Street south - to new outfall at Seminole Lake. Victor Volpi introduced Jim Klecker.

Mr. Klecker explained that Sherborn Development, LLC has gone through the site plan approval process to build a 200-foot long building, they would like to relocate the easement to the west side of the property, reroute the pipes for drainage, and the proposed request would be for a 10-foot easement. Bob Dunckel asked about the building footprint within 9-feet of the property line. Mr. Klecker pointed out that there has been a change in the plan and the retaining wall no longer exists. Bob Dunckel said the plan reflects a meter within the 10-foot quarter and asked the Committee if that posed a problem. Tony Irvine said he does not believe it would be an immediate issue. Tony Irvine pointed out that the City has an existing outfall at the location and that it has become very difficult to get permits for a newer fall.

Discussion followed as to the difficulties involved in getting the new discharge permit to the south end of the property, having the line continue to run eastbound to its original point of entry to the lake, not having a new point of discharge, bringing the line around to build over the existing drainage easement, and the burden of applying for the permit being on the applicant.

Bob Dunckel said the applicant would have to obtain a permit for the new point of discharge and asked how that would fall in relation to the vacation.

Discussion followed as to the permit proceeding the vacation, making contingency plans due to drainage lines running along the south boundary of the property to hook up with the original discharge point, the responsibility of moving lines down the street, the burden of pretreatment service being on the applicant, and the difficulties involved in maintaining the outfall.

Tom Terrell asked about the numerous catch basins on the proposed plan. Mr. Klecker explained they were to retain water at the site. Tom Terrell said several of the catch basins were municipal drainage, you cannot contribute to that drainage and they would have to be cleaned up.

Discussion followed as to redesigning the proposed plan and moving the pool and deck to the west.

James Cromar said the proposal would have to be reviewed by the Planning and Zoning Department, regarding the setbacks.

MOTION BY BOB DUNCKEL TO RECOMMEND VACATION OF THE DRAINAGE EASEMENT WITH RELOCATION ALONG THE EAST PROPERTY LINE 10-FOOT EASEMENT, AND REPOSITIONING OF THE POOL FURTHER TO THE WEST, SO AS TO OFFER LESS INTERFERENCE WITH THE RELOCATED DRAINAGES.

SECONDED BY JULIE LEONARD.

Tony Irvine asked Bob Dunckel if in his motion it is a fact that it would all be dependent upon permitting and construction of the new outfall. Bob Duncel said yes. Mr. Klecker asked if Bob Dunckel's motion to move the pool to the west would be for the purpose of moving further away from the relocating drainage. Tony Irvine said the City has required that there be a 10-foot clear area with no hardscape. Bob Dunckel explained that by moving the pool a little to the west the applicant would only be sacrificing a small amount of landscape area.

MOTION AMENDED BY BOB DUNCKEL TO ADDRESS NOT JUST THE POOL, BUT ALSO ANY HARDSCAPE IN THE 10-FOOT CLEAR AREA.

SECONDED BY JULIE LEONARD

MOTION RESTATED BY TONY IRVINE TO RECOMMEND VACATION OF THE EXISTING DRAINAGE EASEMENT AND THE RELOCATION OF UTILITIES TO THE EAST SIDE OF THE PROPERTY AND THAT THE SITE PLAN BE MODIFIED TO ALLOW THE 10-FOOT CLEAR AREA TO ACCOMMODATE CITY DRAINAGE FACILITIES.

MOTION PASSED UNANIMOUSLY.

ITEM FOUR: NARROWING OF STREETS – TRASH RECEPTACLES, THREE GRATES, BENCHES, BOLLARD LIGHTS, AND LANDSCAPING IN THE RIGHT-OF-WAY

Address or General Location: 900 E Sunrise Lane

Victor Volpi introduced item stating that Hal Barnes, Peter LePosa, EDSA and the North Beach Square Neighborhood Association, Inc., would like your positive recommendation to narrow Sunrise Lane. Victor Volpi stated that Lieutenant Jeff Lucas with the Fort Lauderdale Fire Department indicated that a 20-foot wide passage way must be maintained for emergency access. Victor Volpi introduced Hal Barnes.

Tony Irvine asked if the street narrowing would be for less than 20-feet. Hal Barnes said no.

Hal Barnes said he has been working with the North Beach Square Neighborhood Association, Inc., (HOA) for 10-years or more to beautify the area, to create a sidewalk café atmosphere, and create an aesthetically pleasing entrances into Sunrise Lane off Sunrise Boulevard and A1A. Hal Barnes said the City Commission has given the community a Business Capital Improvement Project (BCIP) Grant, the last grant was awarded February 2006, the association has \$75,000 from the City grant, and they would be matching with their own dollars. Hal Barnes introduced Chad Brintnall with EDSA, Jeri Pryor, Administrative Assistant/BCIP Grants, and Tim Schiavone with the Merchant Association. Hal Barnes said in an effort to coordinate with the City, they have sent their proposed plans to all of the department heads asking for their comments and have received replies from the Fire Department, the Parking Services Department, and the Beach Community Redevelopment Agency (CRA).

Diana Alarcon said they would work with the applicant in removing metered parking along Sunrise Lane, have no objections to the idea of the sidewalk café, would like to maintain parking at the north side of Sunrise Lane by the hotel, have recommended 45-degree parking verses a 90-degree parking,

would like to limit as much general parking as possible and parallel parking would be maintained on the eastside.

Discussion followed as to applicant working with the bicycle/pedestrian coordinator, bicycle racks being added, working with the Beach CRA to get their comments, P & Z reviewing the plan, and the properties that were chosen to start the first stage of improvements relative to the project being based on the funds available.

Hal Barnes explained that the first grant was for the entryway at Sunrise Lane, the second grant was for the entryway off of A1A, the third grant was for the intersection at Sunrise Lane and 9th Street and the project would complete all three. James Cromar asked what would happen further along 9th Street to the west. Hal Barnes said at this time we are not addressing anything further down 9th Street and Breakers Avenue. Hal Barnes said there is an overall master plan on the table, we do not want to loose any additional parking, funding was an issue due to a special assessment and we have never been able to achieve off street parking.

James Cromar said the landscape plan reviewer suggested adding street trees to break up the dead space along Sunrise Lane and stated that it would provide shade along the east side. Hal Barnes said if that were to happen, there would be an additional loss of parking. Kathy Connor said she was concerned about clear space and suggested canopies. Mr. Brintnall said there are engineering issues on the east side and manholes are visible. James Cromar said typically in parking areas if there are more than 10-spaces in a row there is a call for a landscape to break up the space, this is a private development so the rule may not apply. James Cromar said the landscape planner asked if he could get a coordinate type visit and a courtesy review and stated that he was concerned about overhead lines and head-in parking on northern part. James Cromar asked if there was wheel stops to prevent the vehicles nose from overhanging over the sidewalk. Diana Alarcon said there are meters and that would help stop the cars. Diana Alarcon added that the Parking Services Department has recommended 45-degree parking verses 90-degree parking, which would allow easier access.

Tom Terrell asked who would be responsible for the maintenance. Hal Barnes said the City would maintain the roadway and the adjacent business office of the HOA would maintain the landscaping and sidewalk café.

Tony Irvine said if this were not a NCIP Program it would not have gone before the PROW Committee, and prefers adding conditions so the applicant could move forward with their request.

MOTION BY BOB DUNCKEL TO AUTHORIZE A REVOCABLE LICENSE FOR THE PROPOSED PROJECT, TO INCLUDE ISSUANCE OF AN ENGINEERING PERMIT MEETING ALL THE ENGINEERING STANDARDS, AND THE FINAL PLAN BE SUBJECT TO SIGN OFFS FROM THE BICYCLE/PEDESTRIAN COORDINATOR, LANDSCAPING, THE PARKING SERVICES DIVISION, WAYNE JESSUP IN THE PLANNING AND ZONING DEPARTMENT, AND BE COUPLED WITH A MAINTENANCE AGREEMENT.

SECONDED BY JAMES CROMAR.

MOTION PASSED UNANIMOUSLY.

ITEM FIVE: **STAGING PERMIT**

Address or General Location: southeast corner of SW 14 Street and SW 1 Avenue

Victor Volpi introduced item stating that Ordinance C-02-13 – mandates that application for construction staging areas have the recommendation of the Property and Right-of-Way Committee. He said Barbara Howell would like your positive recommendation to allow a construction staging area at the southeast corner of SW 14 Street and SW 1 Avenue. Victor Volpi introduced Barbara Howell.

Victor Volpi stated that Barbara Howell's applications with back up were always complete. Bob Dunckel said he wanted to compliment her on her applications, as well. Bob Dunckel said he had questions after going through the elements of the ordinance, but realized after looking at the backup that all of his questions had been addressed.

Bob Dunckel said he noticed that the agreement for the use of the property was for an 8-month period and a month-to-month basis, thereafter. Bob Dunckel asked how long the construction period would be for. Barbara Howell said they expect construction to be completed by February 2007.

MOTION BY BOB DUNCKEL TO APPROVE THE STAGING AS PRESENTED TO THE COMMITTEE AND INDICATE THAT THE PROPERTY AND RIGHT-OF-WAY COMMITTEE HAS FOUND THE APPLICATION TO BE IN COMPLIANCE WITH ORDINANCE C-02-13.

SECONDED BY TOM TERRELL.

MOTION PASSED UNANIMOUSLY.

ITEM SIX: **SURPLUS PROPERTY**

Address or General Location: north side of Davie Boulevard, approximately 1000 feet west of State Road 7

Victor Volpi stated that at the September 16, 2005 Property and Right-of-Way Meeting, the Committee recommended that this item be deferred until environmental studies could be conducted. He said the study has been completed and did not show any adverse conditions. Victor Volpi said the Utilities Division would like your positive recommendation that the property be declared surplus and sold. Victor Volpi introduced Craig Canning, Water Facilities Manager.

No representative for this item.

MOTION BY BOB DUNCKEL TO DEFER.

Bob Dunckel said he would like to see the Phase II – environmental before the next meeting. Victor Volpi said he would provide the environmental to Bob Dunckel for his review.

SECONDED BY KATHY CONNOR.

MOTION PASSED UNANIMOUSLY.

ITEM EIGHT: **RIGHT-OF-WAY DEDICATION TO:**
THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

Address or General Location: 3000 E Las Olas Boulevard (Las Olas and A1A)

Victor Volpi introduced item stating that the Florida Department of Transportation (FDOT) is improving East Las Olas Boulevard with new landscaping, lights, sidewalks, curb and gutters. He said Earl Prizlee, Project Engineer would like your positive recommendation to dedicate a portion of City owned property located at Las Olas Boulevard and A1A for these FDOT improvements. Victor Volpi introduced Earl Prizlee.

Bob Dunckel stated that he believed FDOT has not looked for a right-of-way easement, they probably want fee simple, and with an easement the City would own the underlining fee simple. Bob Dunckel said since he cannot see what is in the 16.5 feet, he did not know how that would impact the geometrics for the parking lot at the site or the landscape strip. Bob Dunckel stated his concerns as to the City giving away fee simple. Diana Alarcon stated that the Parking Services Division has reviewed the plan with the Beach CRA and they are in favor of the proposal.

Earl Prizlee pointed out the CRA boundaries and said the first phase would be to correct geometrics, the new entranceway would be a gateway to the beach, the restaurants have a limited walkway and it would be difficult for the City to introduce landscaping. Earl Prizlee said the City started pushing toward the south to make more room for a new corridor and entranceway. Earl Prizlee said the City looked toward the parking lot since FDOT and everyone else wanted bike lanes. Earl Prizlee pointed out that the roadway would be correct for future development in the City.

Bob Dunckel asked the width of the FDOT right-of-way and if it goes to the southern most edge of the sidewalk. Earl Prizlee said yes. Bob Dunckel asked if the project could be accomplished in some other way other than dedicating that as part of FDOT right-of-way. Bob Dunckel asked about a license between the City and FDOT, and if the City were to dedicate 16.5-feet, would FDOT be responsible for the maintenance of the new landscaping strip on the south side. Earl Prizlee said FDOT does want fee simple, however the walkway is not in their right-of-way, it is beside it. Tony Irvine explained that FDOT has recently been taking easements. Bob Dunckel said if FDOT were to take the property fee simple it would impact landscaping requirements for the parking area.

Discussion followed as to previous discussions with the Parks and Recreation Director and the Maintenance Agreement.

Bob Dunckel summed up the discussion stating that the City would provide the maintenance of 16.5 feet on the south side of East Las Olas Boulevard and Seabreeze Boulevard and A1A.

Discussion followed as to existing medium on Las Olas Boulevard being moved south, more pedestrian access on the north side, bike lanes on both sides, and that lane configurations would remain the same.

Tony Irvine said he has issues with the right-of-way easement and suggested the idea of calling it a sidewalk and landscape easement. Earl Prizlee said he would propose the idea to FDOT for their consideration. Tony Irvine said the right-of-way removes some of the requirements, but gives FDOT the right to come in and reconfigure the driving lanes. James Cromar said regardless of what

happens on private property, this is something that should occur to clean up the right-of-way. Earl Prizlee said the CRA plans to take care of the slum areas, and the City would be able to accommodate future development.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL AS A SIDEWALK AND LANDSCAPE EASEMENT. SECONDED BY JAMES CROMAR.

MOTION PASSED UNANIMOUSLY.

ITEM NINE: CITY PARK MALL PROSPECTIVE TENANT

Address or General Location: 140 SE 1 Street, City Park Mall

Victor Volpi introduced item stating that Chabad of Downtown, Inc. (a non-profit organization), would like your positive recommendation to lease the shop previously rented by Downtown Travel at the City Park Mall. He said they propose a rent of \$1,198 per month, a 2-year lease with a 1-year option, and 90 to 120 days notice to vacate. Bob Dunckel clarified the wording - 90 to 120 days notice to vacate, stating that in order to exercise the option it needs to be exercised 90 to 120 days prior to the end of the lease term. Victor Volpi said that is correct. Victor Volpi said this would be an approximate 18% discount off the existing rents at the mall. Victor Volpi said the Real Estate Office has received a few other parties interested in this space, but only two are left to possibly put in a bid as follows: a dry cleaning drop-off service and Video Dynamics Corp., who create and edit videos. Victor Volpi said the applicant would like to use the space as an educational and resource center where they will conduct study groups as well as Sabbath services. Victor Volpi explained that the Real Estate Office did not market the property with an 18% discount. Victor Volpi introduced Steve Goldstrom, representative.

Mr. Goldstrom said it would not be a problem if they did not get the 18% discount. James Cromar asked about the activities levels of the organization. Mr. Goldstrom said the applicant is the local Rabbi; he had office space by the river that was destroyed by the hurricane and has been looking for a location to use as office space to hold Sabbath services and organize/plan for Hannakuh parties. Mr. Goldstrom said Rabbi Kaplan is well known by the Jewish community.

James Cromar asked if having a worship center in a shopping center might be an indication that it was less marketable and if that type of office would be suitable for a storefront. Tony Irvine said in the past the City had a congressman's office in the City Park Mall, which was a low profile situation. Kathy Connor pointed out that the location is in the corner and there is very little traffic. Victor Volpi said he does not have a problem with that type of office as long as there would be some activity, and does not recommend the 18% discount just because it would be a non-profit organization.

Discussion followed as to the true market value of the space, the applicant agreeing to pay the recommended lease amount determined by the Real Estate Office, and the two other parties that were interested in the space not being ready to lease at the present time.

MOTION TO RECOMMEND APPROVAL OF CHABAD OF DOWNTOWN, INC., AS A TENANT IN THAT SPACE AT THE TRUE MARKET RATE TO BE DETERMINED BY THE REAL ESTATE OFFICE, WITH A TWO YEAR LEASE AND A ONE YEAR OPTION TO RENEW, THE ONE YEAR

OPTION TO RENEW MUST BE EXERCISED AT LEAST 90 DAYS PRIOR TO THE END OF THE LEASE TERM AND ALSO BE SUBJECT TO A CPI ESCALATOR CLAUSE.

SECONDED BY TOM TERRELL.

MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 12:27 p.m.